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Jari Mononen

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EXAMINER

BIAGINI, CHRISTOPHER D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,706	<b>Applicant(s)</b> MONONEN ET AL.	
	<b>Examiner</b> Christopher Biagini	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/2/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 2, 2009 was considered by the examiner.

### ***Response to Arguments***

Applicant's arguments regarding claims 27-52 have been fully considered and are persuasive. Thus, the claims will not be rejected with the combination of Yamaguchi, Wesinger, and Kitajima.

### ***Claim Objections***

Applicant is advised that should claims 35-40 be found allowable, claims 42-47 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

It appears this issue is the result of a typographical error in drafting claims 42-47. The claims as written depend from claim 34, but were likely intended to depend from claim 41.

### ***Specification***

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The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification lacks a description the subject matter recited in claims 31, 38, 45, and 50:

- facilitating discovery of services offered by the mobile server via a registry of services;
- determining a request parameter contained in the information request that facilitates correct response interpretation; and
- responding via the common gateway interface based on an interpretation of the request parameter.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31, 38, 45, and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claims 31 and 50 require that a single apparatus (a mobile information server) perform the following steps:

- facilitate discovery of services offered by the mobile server via a registry of services;
- determine a request parameter contained in the information request that facilitates correct response interpretation; and
- respond via the common gateway interface based on an interpretation of the request parameter.

These steps generally relate to Web service activations by way of a UDDI registry, which is described at page 6, lines 20-31 of the instant specification. However, this section is merely a broad overview of Web services and does not describe actions performed by the mobile information server. The section simply states that the server "provides sets of services and information over the Internet and the Mobile domain to appropriate service consumers" and that the web services "are offered in a manner that allows" (note the passive voice) the functionality described above.

The functionality described above is also not implicitly or inherently disclosed by the specification as being performed by the mobile server. For example, human developers often prepare a WSDL file and upload it to a UDDI registry in order to "facilitate discovery of services offered by the mobile server via a registry of services." Furthermore, the specification describes that the *requesting* device (i.e., the client, not the server) performs an invocation of service/information requests and thus "determines a request parameter" that facilitates correct response interpretation. Finally, nowhere in the specification is there a description of responding *via the common gateway interface* based on an interpretation of the request parameter.

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Claims 38 and 45 recite the same steps described above, but do not require that the single apparatus perform all of them. However, they do recite the step “respond via the common gateway interface based on an interpretation of the request parameter,” for which there is no support in the specification as described above.

The Examiner also notes that claim 45, if amended to depend from 41 as was likely intended, would suffer the same deficiencies as claims 31 and 50.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42-47 recite the limitation "the computer readable storage medium." There is insufficient antecedent basis for this limitation in the claim.

It appears this issue is the result of a typographical error in drafting claims 42-47. The claims as written depend from claim 34 (which lacks a recitation of a computer readable storage medium), but were likely intended to depend from claim 41.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 27-30, 32, 34-37, 39, 41-44, 46, 48, 49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376).

Regarding claim 27, Yamaguchi shows an apparatus (cellular phone 304: see Fig. 10) comprising: a processor (the processor implicitly disclosed as running web server software 306) configured to cause the apparatus to:

- connect to one or more proximate external devices (for example, GPS 10: see Fig. 10);
- receive an information request at a mobile server module configured to receive network connection requests (comprising a request from Web browser 314: see col. 12, line 57 to col. 13, line 5), wherein the request is targeted to an interface of the mobile server module (comprising a URL, which targets the HTTP interface of web server module 306: see col. 7, lines 53-57);
- select a device from the one or more proximate external devices (comprising selecting the GPS when location data is requested: see col. 12, lines 5-29 and 59-67), wherein the selected device is capable of dynamically generating data to fulfill the information request (see col. 12, lines 30-33); and
- cause the selected device to send a response to the information request via the interface independently of human interaction with the apparatus (see col. 12, lines 30-33).

Yamaguchi does not explicitly show:

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- the apparatus connects wirelessly to the proximate external devices;
- wherein the request is targeted to a common gateway interface of the mobile server module; and
- that the response is sent via the common gateway interface.

Bork shows wirelessly connecting to proximate external devices (comprising connecting using the Bluetooth wireless connection protocol: see col. 1, line 31 to col. 2, line 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yamaguchi with the wireless connection taught by Bork in order to allow the user to move about freely with the cellular phone while still maintaining a connection to GPS 303.

Wesinger shows requests targeted to a common gateway interface with responses sent via the common gateway interface (see CGI 111 in Fig. 1A; col. 4, lines 12-35; and col. 6, lines 58-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the CGI taught by Wesinger in order to supply data using a standards-based server extension.

Regarding claim 28, the combination further shows one or more internal devices capable of dynamically generating the data to fulfill the information request (comprising camera 309: see Fig. 10 of Yamaguchi), wherein the selected device is selected from the one or more proximate external devices and the one or more internal devices (see Yamaguchi, col. 13, lines 3-5 and col. 9, lines 14-35).



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Regarding claim 29, the combination further shows wherein the response comprises status data of the apparatus (comprising the location of the device: see Yamaguchi, col. 12, lines 57-63).

Regarding claim 30, the combination further shows wherein the status data comprises telemetry data (comprising location data as described above).

Regarding claim 32, the combination further shows wherein causing the selected device to send a response to the information request comprises performing a protocol translation between the selected device and the common gateway interface (see Yamaguchi, col. 12, lines 20-33 and Wesinger, col. 4, lines 12-24).

Claims 34-37, 39, 41-44, 46, 48, 49, and 51 correspond to claims 27-30 and 32 and are rejected for the same reasons as given above.

Claims 31, 38, 45, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Bork (US Patent No. 6,246,376) and "Lesson 5: SOAP, UDDI and WSDL" (hereinafter "the Component X Studio Tutorial").

Regarding claim 31, the combination shows the limitations of claim 27 as applied above, and further shows responding via the common gateway interface based on an interpretation of

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the request parameter (see Yamaguchi, col. 12, lines 20-33 and Wesinger, col. 4, lines 12-34), but does not show wherein the processor further causes the apparatus to: facilitate discovery of services offered by the mobile server via a registry of services; determine a request parameter contained in the information request that facilitates correct response interpretation.

The Component X Studio Tutorial shows facilitating discovery of services offered by a server via a registry of services (comprising making the services known via a UDDI registry: see section 5.3 on p. 3) and determining a request parameter contained in the information request that facilitates correct response interpretation (comprising examining a SOAP envelope in a SOAP request which is made according to a WSDL file: see discussion of SOAP at top of p. 2 and discussion of WSDL at pages 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi with the discovery facilitation and determining of request parameters taught by the Component X Studio Tutorial in order to provide for a standardized, developer-friendly way to communicate with the server.

Claims 38, 45, and 50 correspond to claim 31 and are rejected for the same reasons as given above.

Claims 33, 40, 47, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Patent No. 6,980,826) in view of Wesinger (US Patent No. 5,778,367), and further in view of Awada (US Patent No. 6,873,861).

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Regarding claim 33, the combination shows the limitations of claim 27 as applied above, and further shows receiving a second information request at the mobile server module that is not targeted to the common gateway interface (comprising a direct request for an ordinary web page, as provided for in Yamaguchi and as described as distinct from a CGI request in Wesinger: see column 4, lines 29-33), but does not show providing user generated data stored on the apparatus in response to the second information request.

Awada shows providing user generated data stored on an apparatus in response to an information request that is not targeted to a common gateway interface: see col. 5, lines 43-47 and 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Yamaguchi to provide user generated data stored on the apparatus as taught by Awada in order to provide a convenient way for users to receive contact information.

Claims 40, 47, and 52 correspond to claim 33 and are rejected for the same reasons as given above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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